

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

DARRELL WAYNE SMITH,

Defendant.

Case No. 23-CR-0110 YGR

**PRETRIAL ORDER NO. 3 RE: TRIAL  
CONFERENCE**

Having considered the filings to date and the pretrial conference which occurred on August 1, 2025, and for good cause shown, the Court enters the following additional orders:

1. **Trial Date and Schedule:** The trial of this matter is confirmed to proceed in Courtroom 1. Jury selection shall occur on **Thursday August 21, 2025**, and if needed, August 25. Openings and evidence will proceed on **Tuesday September 2, 2025**. Trial days shall begin with the parties and attorneys at 8:00 a.m. Counsel shall arrive in court early enough to proceed promptly. Trial proceedings with the jury shall proceed from 8:30 a.m. to 1:40 p.m. with two twenty-minute breaks. Additional time may be scheduled for matters outside the presence of the jury as necessary and determined by the Court. Sidebars are not permitted. Counsel should be prepared to anticipate issues so that they may be addressed outside of normal trial hours. In this regard, counsel should also be prepared to reconvene with the Court after the Court's standing calendars which normally begin at 2:00 p.m.

The Court will not be in session on: Friday September 12, 2025; Thursday September 25, 2025; or Friday September 26, 2025. Should the jury have the case for deliberation by September 19, 2025, the jury will be permitted to deliberate if it elects to do so.

2. **Retrial:** This is a retrial. All prior rulings stand unless raised or argued. All prior written objections to the Court's pre-trial rulings are preserved for purposes of appeal. Should

1 new circumstances exist relative to those objections, parties should raise them anew to provide the  
2 Court with an opportunity to consider.

3 3. **Motion in Limine:** The motion is under submission. Additional briefing on the  
4 motion may be filed by **August 8, 2025**.

5 4. **Witnesses:** The government has filed its list of all potential witnesses and is limited  
6 to that list without permission from the Court. The parties have provided the Court with a revised  
7 alphabetical list of all potential witnesses, attorneys, trial team members, including any person  
8 who may appear in Court so that the Court can determine whether any prospective juror knows  
9 such person.

10 5. **References to Prior Trial:** No reference to the prior trial may be made. Instead, if  
11 needed, counsel and parties shall refer to the “prior proceeding”.


12 6. **Shayla Questioning:** The government’s witness, Shayla, is pregnant. Defense  
13 counsel may not question Shayla about her pregnancy. Nor will defense counsel be permitted to  
14 cross examine Shayla about Mr. Radochonski.

15 7. **Equipment:** Projectors, screens and similar equipment must be tested in the  
16 courtroom prior to the day when it will be used. Arrangements may be made with the Courtroom  
17 Deputy, Edwin Cuenca at (510) 637-3540, as to appropriate time for doing so. Defense counsel  
18 may reserve a conference room in the attorneys’ lounge for the period of the trial. However, they  
19 are only available on a first-come, first-serve basis. Further, parties must provide the Court with a  
20 form of order for (i) any equipment or supplies requested to be brought into the courthouse and  
21 (ii) any in-custody witness to be dressed in civilian clothing.

22 8. **Failure to Comply:** Failure to comply with the obligations set forth in this order  
23 will result in sanctions appropriate to the gravity of the failure, including, but not limited to  
24 monetary fines and/or evidentiary sanctions.

25 **IT IS SO ORDERED.**

26 Dated: August 1, 2025

27   
28 YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE